

REMARKS/ARGUMENTS

Claims 1, 2, and 4-12 are currently pending in the present application. Claim 3 was previously cancelled. Claim 1 has been amended. Support for the amendment to claim 1 can be found in the present specification at page 13, lines 16 to 19 and in the inventive and comparative examples. No new matter has been added.

Applicants wish to thank the Examiner for withdrawing the previous objections and rejections under 35 U.S.C. §112.

Reconsideration of the present application is requested in view of the following remarks.

Rejections under 35 U.S.C. § 103

The rejection of claims 1 and claims 3-7 under 35 U.S.C. § 103(a) as obvious over Wehr (U.S. Patent No. 4,879,120) and Seeger (U.S. Patent No. 5,540,499); claims 2 and 8-11 as obvious over Wehr, Seeger and Strehler (U.S. Patent No. 4,388,425); and claim 12 as obvious over Wehr, Seeger and Belde (U.S. Patent No. 4,474,681) are respectfully traversed for reasons of record, the above amendment, and the reasons discussed below.

The references, alone or in combination, do not describe or suggest a process for producing a polyamide with titanium dioxide pigments, or a product obtained thereof, in which an average pressure build-up of the polymerized product is about 7 bar/kg.

As previously pointed out in the record, the claimed product gives, *inter alia*, a lower pressure build-up (7 bar/kg), compared to the comparative example (10 bar/kg). Other such properties include the abrasion of yarn prepared from the claimed product was much lower (3.8 mg/100 km of yarn) than the comparative product (4.2 mg/100 km of yarn). Importantly, such results show that the polyamide product obtained by the claimed process is distinct over polyamide products of the references of record.

As the Board of Patent Appeal and Interferences has recently confirmed, a proper obviousness determination requires that the Office make “a searching comparison of the claimed invention - *including all its limitations* - with the teaching of the prior art.” *See In re Ward and Murphy*, Appeal 2007-3733, citing *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis in original). Moreover, as the Supreme Court stated, “*there must be some articulated reasoning*

with some rational underpinning to support the legal conclusion of obviousness." *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (emphasis added)).

In present case, Applicants point out that the Office has not shown, other than improper hindsight of the present specification, that the cited references of record describe *all* of the limitations of the claimed process, including the additional lower pressure. Furthermore, there is no indication, as previously argued that Wehr nor any of the other recited references describe that water is removed/evaporated from the product mixture during the polymerization and addition caprolactam is added to the product mixture during the polymerization. *See also* the inventive example and discussion thereof at pages 12 to 13 of the present specification.

Therefore, the claimed process is clearly non-obvious. Accordingly, withdrawal of the rejections is requested.

Double Patenting/Obviousness Rejection

The rejection claim 5 on the grounds of double patenting over claim 17 of Lausberg et al. (U.S. Patent No. 5,179,164), and as obvious over Lausberg et al. are respectfully traversed.

Applicants point out, in view of the above amendment and language of the claim 17 of Lausberg et al., the claim 5 is not obvious.

Applicants note that claim 17 of Lausberg et al. relates to a homogeneous thermoplastic polypropylene/polyamide molding composition consisting essentially of five components A) through E), in which there is no description or suggestion of a polyamide containing titanium dioxide pigments obtained by a process as claimed in claim 1 having the recited average pressure build-up of 7 bar/kg .

Therefore, the double patenting and obviousness rejections should be withdrawn. Applicant notes that the application and patent are commonly assigned and have a common inventor. However, in view of the above comments, a showing/terminal disclaimer should not be required to overcome the rejection, as suggested on pages 4 to 6 of the present Office Action.

In light of the foregoing, Applicants submit that the application is in condition for allowance. Favorable reconsideration is respectfully requested.

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Reply to Office Action dated October 28, 2008
Amendment dated January 28, 2009

Docket No.: 12810-00082-US

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 03-2775.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00082-US from which the undersigned is authorized to draw.

Dated: January 28, 2009

Respectfully submitted,

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